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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,728	01/23/2004	Thomas J. Berwald	0092-18 CIP	7328
<div>7590 Ernest D. Buff, Esq. Ernest D. Buff &amp; Associates LLC 231 Somerville Road Bedminster, NJ 07921</div>			<div>EXAMINER TUGBANG, ANTHONY D</div>	
			<div>ART UNIT 3729</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 12/12/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/763,728

Applicant(s)

BERWALD ET AL.

Examiner

A. Dexter Tugbang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19, 32, 33 and 36-73 is/are pending in the application.
- 4a) Of the above claim(s) 1-19, 54 and 73 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32, 33, 36-53 and 55-72 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 4, 2007 has been entered.

### ***Election/Restrictions***

2. The restriction requirement (mailed on August 1, 2006) is hereby repeated and maintained. It is noted that Claims 11, 54 and 73 belong to Group I. Claims 1 through 10 and 12 through 19 belong to Group II. Claims 32, 33, 36 through 53 and 55 through 72 belong to Group III.

Claims 1 through 19 and 54 continue to stand as being withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 28, 2006.

3. Newly submitted Claim 73 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 73 belongs to Group I.

Since applicant has received an action on the merits for the originally presented invention (Group III), this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, Claim 73 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4. Upon further consideration by the examiner, the restriction requirement between Groups III-A through III-F has been withdrawn. Thus, Claims 32, 33, 36-53 and 56-72 are pending for examination below.

### *Claim Objections*

5. Claims 33, 36 through 39, 45, 47, 51 through 53, 55, 58, 59, 67 and 68, are objected to because of the following informalities.

In Claim 33, "including the" (line 1) should be replaced with --further including a--.

In Claim 36, "a milling assembly" (lines 1-2) should be replaced with --the milling assembly. The same problems in Claim 36 also occur in Claims 37 through 39.

In Claim 45, "outer ring and inner ring" (line 2) should be changed to --the outer ring and the inner ring--.

In Claim 47, "including the" (line 1) should be changed to --further including a--.

In Claim 51, "an electro-mechanical component" (line 2) should be changed to --the electro-mechanical component--.

In Claim 52, , "an electro-mechanical component" (line 2) should be changed to --the electro-mechanical component--.

In Claim 53, "outer" (line 1) should be changed --the outer--; and "an electro-mechanical component" (line 2) should be changed to --the electro-mechanical component--.

In Claim 55, "inner" (line 6) should be changed to --the inner--; "outer" (line 7) should be changed to --the inner--.

In Claim 58, "the cutting" (line 2) should be changed to --cutting--.

In Claim 59, "the cutting" (line 2) should be changed to --cutting--.

In Claim 67, "a milling" (line 1) should be changed to --the milling--.

In Claim 68, "a milling" (line 1) should be changed to --the milling--.

Appropriate correction is required.

#### ***Allowable Subject Matter***

6. The following is a statement of reasons for the indication of allowable subject matter.

In the last Office Action (Final Rejection, mailed on May 31, 2007, Claims 35 and 36 were considered to allowable over the prior art (see paragraph 10 of the Final Rejection). In the amendment filed on September 4, 2007, independent Claims 32 and 55 now incorporate the limitations from Claims 34 and 35 and independent Claim 66 now incorporates the limitations from Claims 34 and 36.

Accordingly, Claims 32, 33, 36 through 53, 55 through 72 are allowed.

#### ***Conclusion***

7. This application is in condition for allowance except for the following formal matters:

To correct the informalities with the claim language as suggested above and to cancel the claims directed to the non-elected invention.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/A. Dexter Tugbang/  
Primary Examiner  
Art Unit 3729**

December 10, 2007